

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEROME JUNIOR WASHINGTON,

Plaintiff,

v.

SUPERINTENDENT SALAMON, *et al.*,

Defendants.

No. 4:21-CV-01746

(Chief Judge Brann)

ORDER

AND NOW, this 7th day of September 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motions (Doc. 19, 20) to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) are **GRANTED**, as follows:
 - a. Washington's Eighth Amendment claims concerning conditions of confinement and deliberate indifference to serious medical needs are **DISMISSED** without prejudice.
 - b. Washington's First Amendment retaliation claim is **DISMISSED** with prejudice.
2. Washington shall have 21 days from the date of this Order to respond to defendant Douglas Weber's challenge concerning failure to exhaust administrative remedies.
3. Following resolution of the exhaustion challenge, the Court will issue an Order regarding the scope and timing of amended pleadings.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge